

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Scott G. Williams

Serial No. 10/051,488

Filed January 18, 2002

For: Multipurpose Foldable Candle Tool

Attorney's Docket No. 4818-002

Hadi Shakeri
Examiner
Group Art Unit: 3723

Raleigh, North Carolina
May 29, 2003

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

DECLARATION OF SCOTT G. WILLIAMS

I, Scott G. Williams, reside at 200 East Railroad Street, Pottsville, PA. 17901 and am the inventor of the invention shown, described and claimed in U.S. patent application serial no. 10/051,488.

1. The invention shown and claimed in this patent application is a combination candle tool that has any number of particular candle tools contained within a foldable handle structure. These candle tools are designed to operate on a candle and to do work on a candle.
2. I have reviewed the office action dated February 26, 2003 from the Patent Office. I believe I understand the position taken by the Patent Office in this case.
3. In describing my combination candle tool, I have used certain terms to describe the various candle tools incorporated into my invention. These terms include wick cutter, wick dipper, wick or candle digger, candle scoop, and retractable wick. These are all technical terms and they are intended to pertain and relate to only candle tools. For example, the term wick

EXHIBIT

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dipper is a term that identifies a particular candle tool and is understood by those skilled in the art as identifying a candle tool that is used to engage the wick of a candle and to push it down in melted wax around the wick so that to extinguish the wick. These terms set forth above, by their very nature, describe the structure of the particular tool being referred to. When I use these terms in the patent application they are not simply terms that describe a function of any device, but they describe the structure of a particular candle tool.

4. I have reviewed the office action carefully and the patents studied. I have reviewed and studied the Leatherman tool, that is the tool described in U.S. Patent No. 4,238,862. The Leatherman tool does not include a wick cutter, wick dipper, wick or candle digger or a retractable wick as those terms are used in my patent application.

5. These terms, that is the candle tool terms of wick cutter, wick dipper, wick or candle digger or retractable wick, cannot be construed or interpreted to mean any one of the various types of tools incorporated into the Leatherman tool. The respective tools of my invention and the Leatherman tool are different and the technical terms just eluded to, such as wick cutter, wick dipper, candle or wick digger, all distinguish my invention from the Leatherman tool.

6. I hereby expressly disclaim any interpretation of these terms that would cover any one of the tools or devices incorporated into the Leatherman patent, that is U.S. Patent No. 4,238,862.

7. Furthermore, I have been involved in buying and merchandising candles for over ten years and I own a majority interest in a company named Oddity, Inc. and headquartered in Pottsville, Pennsylvania that sells candles and candle accessories all over the United States. I have never seen or heard of the Leatherman tool or a tool like the Leatherman tool being used to do work or operations on a candle.

8. My invention as set forth in the application and the claims is simply not a new use for the Leatherman tool. My invention is a new device that is a new combination candle tool.

9. Furthermore, in claims 1 and 15, these claims start out by saying "a foldable candle tool having a plurality or a series of candle tools for operating on a candle." In this case, it is my intention for these statements that appear at the beginning of these two claims to be limiting.

10. Further, when terms like wick cutter, wick dipper, or candle or wick digger are used in my application, they are terms that describe the structure of these various candle tools. These terms are simply not describing a function.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Scott G. Williams

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ODDITY, INC.
COATSBENNETT

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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING DEPOSITED WITH THE UNITED STATE POSTAL SERVICE, ON THE DATE INDICATED BELOW, AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: _____

Kathryn J. Stehle

Date: _____

5/30/03